

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Keith M. Woodson, :
Debtor. : Bankruptcy No. 16-17313-MDC

ORDER

AND NOW, WHEREAS, upon consideration of the Application for Compensation and Reimbursement of Expenses (the “Application”),¹ filed by Stephen M. Dunne (the “Applicant”), counsel to Keith M. Woodson (the “Debtor”), in which the Applicant requests the allowance of compensation in the amount of \$2,365.00 and the reimbursement of expenses in the amount \$0.00.

AND, the Application states that the Debtor did not pay the Applicant any amount prior to the filing of the petition.

AND, upon the Applicant’s certification that proper service has been made on all interested parties.

AND, upon the Applicant’s certification of no response.

AND, the Court of Appeals having held that the bankruptcy court “has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court’s inherent obligation to monitor the debtor’s estate and to serve the public interest,” *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

AND, this case involving the representation of a below-median debtor, *see generally* 11 U.S.C. §1325(b) (establishing different standards for measuring plan confirmability depending upon whether the debtor’s is above median or below median); Official Form B-122C (requiring more financial disclosure from above-median debtors).

¹ Bankr. Docket No. 92.

AND, this Court finding that the Application is inconsistent with the Applicant's Disclosure of Compensation Pursuant to F.R.B.P. 2016(b) ("the 2016(b) Statement")², which represented that the Applicant received \$1,000.00 prior to the filing of the Debtor's bankruptcy petition (the "Pre-Paid Amount").

It is hereby **ORDERED** that:

1. A hearing shall be held on **June 13, 2019, at 11:30 a.m.**, in **Bankruptcy Courtroom No. 2, U.S. Bankruptcy Court, 900 Market Street, Philadelphia, PA** (the "Show Cause Hearing"), to consider whether pursuant to 11 U.S.C. §330(a)(2) this Court should award compensation that is less than the amount of compensation that is requested by the Application.
2. At the hearing, the Applicant shall (i) have the written retainer agreement with the Debtor available for review by the Court and parties in interest, and (ii) be prepared to address the discrepancy between the Application and the 2016(b) Statement regarding the Pre-Paid Amount.
3. The Applicant may appear telephonically, *see* L.B.R. 9076-1, if arrangements are made to provide the Court with a copy of the written retainer agreement in advance of the Show Cause Hearing.

Dated: May 22, 2019



MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

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² Bankr. Docket No. 1.